

JOHN D. SULLIVAN
Assistant U.S. Attorney
U.S. Attorney's Office
James F. Battin U.S. Courthouse
2601 Second Avenue North, Suite 3200
Billings, MT 59101
Phone: (406) 657-6101
FAX: (406) 657-6989
Email: John.Sullivan@usdoj.gov

ATTORNEY FOR PLAINTIFF
UNITED STATES OF AMERICA

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

UNITED STATES OF AMERICA,	CR 17-07-BLG-SPW-01
Plaintiff,	
vs.	OFFER OF PROOF
SHERRY LYNN MURPHY,	
Defendant.	

The United States, represented by Assistant U.S. Attorney John D. Sullivan, files the following offer of proof in anticipation of the change of plea hearing set in this case on May 23, 2017.

THE CHARGE

The defendant, Sherry Lynn Murphy, is charged by superseding information with conspiracy to possess with intent to distribute and to distribute

methamphetamine, in violation of 21 U.S.C. § 846.

PLEA AGREEMENT

There is a plea agreement in this case. Murphy will plead guilty to the superseding information. The United States presented all formal plea offers to the defendant in writing. The plea agreement entered into by the parties and filed with the Court represents, in the government's view, the most favorable offer extended to the defendant. *See Missouri v. Frye*, 566 U.S. 133 (2012).

At the time of sentencing, the United States will move to dismiss the indictment if the Court accepts the plea agreement.

ELEMENTS OF THE CHARGE

In order for the defendant to be found guilty of the charge of conspiracy to possess with the intent to distribute and to distribute methamphetamine, in violation of 21 U.S.C. § 846, as charged in the superseding information, the United States must prove each of the following elements beyond a reasonable doubt:

First, beginning in or about May 2016 and ending in or about October 2016, there was an agreement between two or more persons to possess with the intent to distribute and to distribute 50 or more grams of a substance containing a detectable amount of methamphetamine; and

Second, the defendant joined in the agreement knowing of its purpose and intending to help accomplish that purpose.

Additionally, while not a formal element of the offense, the government must prove beyond a reasonable doubt that the conspiracy involved at least 50 grams of a substance containing a detectable amount of methamphetamine.

PENALTY

The charge contained in the superseding information carries a mandatory minimum punishment of five years of imprisonment to a maximum punishment of 40 years of imprisonment, a \$5,000,000 fine, at least four years of supervised release, and a \$100 special assessment.

ANTICIPATED EVIDENCE

If this case were tried in United States District Court, the United States would prove the following:

In September 2016, investigators with the Eastern Montana HIDTA unit and Wyoming DCI developed information about a group of people who were dealing methamphetamine in the Billings area. Following a buy/bust operation in Wyoming, three individuals identified the defendant, Sherry Murphy, as one of the distributors of methamphetamine for the group.

Investigators in Billings executed a search warrant on Murphy's residence on October 11, 2016, and discovered approximately 762 grams of a substance that tested positive for methamphetamine. They also found ledgers and drug paraphernalia. Several of Murphy's coconspirators were interviewed during the course of the investigation and admitted their involvement in the conspiracy. Murphy's source of supply admitted to distributing pounds of methamphetamine to her and two other coconspirators admitted to obtaining multiple pounds of

methamphetamine from her for redistribution.

DATED this 22nd day of May, 2017.

LEIF M. JOHNSON
Acting United States Attorney

/s/ John D. Sullivan
JOHN D. SULLIVAN
Assistant U.S. Attorney